

**IN THE UNITED STATES COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

MICHAEL ERNANO, WAYNE BRYCE,)	
LAURA KISH and VALERIE ROSE)	
GIANNOTTI, on behalf of themselves and all)	Case No. 2014-cv-1516
others similarly situated,)	
)	
Plaintiffs)	
v.)	
)	
GARY MELIUS, JOHN ANTHONY)	
DIPRETA, KATHY THOMPSON, FABIAN)	
SANTIBANEZ, OHEKA MANAGEMENT)	
CORP., OHEKA CATERING, INC.,)	
OHEKA MANAGEMENT, LLC, OHEKA)	
CATERING, LLC, and JOHN DOES 1)	
through 10,)	
)	
Defendants.)	

STIPULATION PURSUANT TO FED. R. CIV. P. 41(A)(1)(A)(II)

WHEREAS Plaintiff Michael Ernano filed the initial Complaint on March 6, 2014;

WHEREAS Defendants filed their to Answer to the Complaint on May 12, 2014;

WHEREAS Plaintiffs filed their First Amended Complaint (“Amended Complaint”) on May 31, 2014, naming Plaintiffs Michael Ernano, Valerie Rose Giannotti, Laura Kish, Wayne Bryce and Quirico Diaz as Plaintiffs;

WHEREAS, the parties filed a stipulation for the voluntary dismissal of Plaintiff Quirico Diaz on November 21, 2014;

WHEREAS, in the Amended Complaint, Plaintiffs Michael Ernano and Wayne Bruce assert federal jurisdiction predicated on alleged violations the Fair Labor Standards Act and all Plaintiffs assert supplemental jurisdiction regarding their alleged violations of New York State law;

WHEREAS, Plaintiffs Michael Ernano and Wayne Bruce no longer wish to proceed as named plaintiffs and have indicated that they wish to withdraw from the case;

WHEREAS, counsel for the Parties have conferred and Defendants agree to Plaintiffs Michael Ernano and Wayne Bruce withdrawing from the action provided that such withdrawal is with prejudice to their federal claims;

WHEREAS, Plaintiffs Michael Ernano and Wayne Bruce agree to withdraw from the action with prejudice as to their claims under the Fair Labor Standards Act and without prejudice as to their state law claims;

WHEREAS, Defendants are amenable to such withdrawal;

WHEREAS Plaintiffs Michael Ernano and Wayne Bruce have not previously dismissed an action in any court based on or including the same claims against any of the Defendants;

THEREFORE, the parties agree and stipulate as follows:

STIPULATION

The parties agree and stipulate pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) that Plaintiffs Michael Ernano and Wayne Bruce hereby withdraw as Plaintiffs and voluntarily dismiss their individual claims without prejudice as to their New York

State law claims and with prejudice as to their Fair Labor Standards Act claims.
Each side to bear its own fees and costs.

This stipulation has no force or effect as to Plaintiffs Valerie Rose Giannotti and
Laura Kish's state law claims.

RESPECTFULLY SUBMITTED AND DATED this 3 day of ^{May}~~April~~ 2016.

THE MARLBOROUGH
LAW FIRM, P.C.

By: Chris Marlborough
Christopher Marlborough (CM6107)
445 Broad Hollow Road, Suite 400
Melville, New York 11747
Tel: 212 991-8960
Fax: 212 991-8952
Email: chris@marlboroughlawfirm.com

CONNOLLY, WELLS & GRAY, LLP
Gerald D Wells, III
Robert Gray
2200 Renaissance Boulevard
King of Prussia, PA 19406
Tel: 610 822-3700
Fax: 610 822-3800
Email: gwells@cwg-law.com
rgray@cwg-law.com

BLAIRE FELLOWS, PC.
Blair Fellows
6685 73RD Place
Middle Village, New York 11379
Tel: 516 724 1984

FRANKLIN, GRINGER &
COHEN, PC

By: Joshua A. Marcus
Joshua A. Marcus (JM 4250)
Martin Gringer
666 Old Country Road, Suite 202
Garden City, New York 11530
Tel: 516 228-3131
Fax: 516 228-3136
Email: jmarcus@franklinggringer.com
mgringer@franklinggringer.com

Attorney for Defendants

Fax: 516 827-7120

Email: blairefellowsesq@gmail.com

Attorneys for Plaintiffs